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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,023	05/23/2001	Toshiro Mise		7278

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT PAPER NUMBER

3627

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,023

Applicant(s)

MISE, TOSHIRO

Examiner

Steven B. McAllister

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10-13 recite that a home information communication terminal unit is connected to "an indoor network laid in each contracted dwelling house". It is not clear whether it means that the terminal is connected to a network in each house, or that each house has a network and the terminal is connected to the network in that house.

Claims 10-13 recite "a supervisory server for judging allowance for access of said service communication server to said home information communication terminal unit". It is unclear what is meant by this statement.

Claim 11 is unclear because "information data" appears to be redundant.

Claim 11 is unclear because it appears to recite a method step as an additional limitation to the apparatus ("and sending out data stored ... every predetermined period").

Claim 13 is unclear because "movement of a living facility" is unclear. It is not clear whether movement of a living thing is being monitored, or movement in a dwelling is being monitored.

As to claims 10 and 13, the claims recite "and/or" which is indefinite.

It is noted that claims 10-13 are interpreted as apparatus claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Vasell et al (6,496,575).

As to claims 10, 12 and 13, Vasell et al show a home information communication terminal unit connected to an indoor LAN; a service communication server of the service provider; a supervisory server comprising servers operated by the network operator; wherein the recited apparatus are capable of performing there recited tasks.

As to claim 11, Vasell et al show a home information communication terminal unit connected to an indoor LAN; a service communication server of the service provider; a supervisory server comprising servers operated by the network operator; wherein the

recited apparati are capable of performing there recited tasks, temporary memory in the communication terminal unit related the service being provided and data related to the environment of the house and where the terminal sends data back to the supervisory terminal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasell et al.

As to claim 10, Vasell et al show the terminal unit monitoring the operation of a living facility via the LAN. Vasell et al do not explicitly show reporting back during abnormal conditions. However, it is notoriously old and well known to do so. For instance, Vasell et al discuss using the system to monitor alarms. It would have been obvious to one of ordinary skill in the art to report back in case of abnormality in order to alert the service provider so that they can respond.

As to claim 12, Vasell et al show all elements except recording costs at the supervisory server for services provided by the provider acting the through the server. However, to do so is notoriously old and well known in the art. It would have been

obvious to one of ordinary skill in the art to modify the apparatus in order to record such charges since it is the supervisory server which controls and interacts with the end users terminal.

As to claim 13, Vasell et al show all elements except stopping normal operation of the terminal unit when an emergency signal is sent to the terminal unit. However, to do so is notoriously old and well known in the art. For instance radios and alarm systems exist which upon a signal indicative of a tornado, cease normal operation and go into emergency operation. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Vasell et al by having the terminal unit go into an emergency mode upon receipt of an indication of emergency conditions from the server.

Response to Arguments

Applicant's arguments filed 7/12/2004 have been fully considered but they are not persuasive.

It is noted that claims 10-13 appear to be substantially identical to claims 3-7.

Applicant argues that the claims are allowable. The examiner respectfully disagrees. The examiner believes that the rejections stated above are proper and that the current claims are not allowable.

It is further noted that the Applicant has not traversed the "old and well known statements" made in the previous Office Action. Therefore, as required by MPEP 2144.03 (C) the subject matter of those statements is held as admitted old by Applicant.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

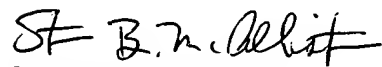
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

STEVE B. MCALLISTER
PRIMARY EXAMINER